UNITED STATES PATENT AND TRADEMARK OFFICE

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10/577,589	04/27/2006	Andreas Schmidt	2003P16318	8190

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _22-46_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _22-46_ is/are rejected.

7)☒ Claim(s) _22,31 and 43_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _27 April 2006_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some *   c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _4/27/06, 7/13/06_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

The instant application having Application No. 10/577589 filed on 4/27/06 is

presented for examination by the examiner.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C.

119(a)-(d). The certified copy has been received.

Claim Objections

Claims 22, 31, and 43 are objected to because of the following informalities:

As per claim 22, the reference "NDO" should be removed. It is not referred to by

this abbreviation anywhere else in the claims.

As per claim 31, "the suitable encrypted useful data object" lacks antecedent

basis.

As per claim 43, "the assigned encrypted useful data object" lacks antecedent

basis.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming
the subject matter which the applicant regards as his invention.

Claim 22 and 46 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

As per claim 22, the last clause mentions providing but does not explicitly state to

what entity the encrypted useful data object is provided to. Examiner assumes the

encrypted useful data object is provided to the first telecommunications terminal as is

the notifying, but the wording of the claim leaves this limitation open for interpretation.

As per claim 46, it appears the Applicant has intended for the claim to be

independent but has recited dependency to claim 22. Claim 46, is however a

dependent claim and is being treated as a one. As such, a dependent claim should

further limit the scope of its parent claim. Therefore, claim 46 should further limit the

method of claim 22 and not a telecommunications system.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set
forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
in section 102 of this title, if the differences between the subject matter sought to be patented and the

prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 22-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/43414 to Mostafa in view of USP Application Publication 2002/0077986 to Kobata et al, hereinafter Kobata.

As per claim 22, Mostafa teaches a method of transmitting useful data objects [media content] to a first telecommunications terminal, which comprises the following steps:

in a switching component [MMS Replay B] of a telecommunications network, providing an useful data object to be transmitted to the first telecommunications terminal with a reference [address] (pg. 7, lines 6-7) for checking a suitability of the useful data object for the first telecommunications terminal (pg. 6, lines 17-18);

determining, with the switching component, a profile [recipient data] (pg. 7, line 23) relating to capabilities of the first telecommunications terminal to process a useful data object (pg. 6, lines 19-20);

transmitting, with the switching component, a request together with the determined profile of the first telecommunications terminal to a data provisioning component [MMS Server] in accordance with an address contained in the reference for checking whether the useful data object to be transmitted is suitable for processing by the first telecommunications terminal (pg. 7, lines 25 and pg. 17, lines 6-8);

transmitting, from the data provisioning component to the switching component,

information relating to a result of the check on the suitability of the useful data object to

be transmitted for the first telecommunications terminal (pg. 6, lines 21-23 and pg. 19,

line 5); and

providing, with the switching component, an useful data object in accordance with the

information relating to the check, and notifying the first telecommunications terminal

thereof (pg. 7, line 5).

Mostafa is silent in explicitly disclosing that the useful data object is encrypted.

Kobata teaches a similar message relay system in which the useful data object are

encrypted and include digital rights assigned to them (0072). As one of ordinary skill in

the art would know, encryption is essential if one wants to protect the content from

unauthorized users. Encrypting the useful data objects of Mostafa would ensure users

could not intercept them and thereby cheat the system of not having to subscribe to the

objects. Therefore it would have been obvious to one of ordinary skill in the art at the

time of the invention to encrypt the objects of Mostafa because it would increase the

security of the system.

As per claim 23, Mostafa teaches the encrypted useful data object and the

reference are provided in a container object (pg. 3, lines 17).

As per claim 24, Mostafa teaches transmitting the encrypted useful data object

from a second telecommunications terminal to the switching component, for forwarding

to the first telecommunications terminal (pg. 17, lines 5-10).

As per claim 25, Mostafa teaches the step of determining the profile relating to

the capabilities of the first telecommunications terminal comprises sending a query to a

database of the telecommunications network wherein the terminal device characteristics
are stored [stored in MMS server] (pg. 18, lines 26-27 and pg. 19, lines 24-30).

As per claim 26, Mostafa teaches determining the profile relating to the
capabilities of the first telecommunications terminal by sending a query to the first
telecommunications terminal (pg. 20, line 5-10).

As per claim 27, Mostafa teaches the address contained in the reference
includes a URL (pg. 20, line 11).

As per claim 28, Mostafa teaches the encrypted useful data object to be
transmitted is also transmitted to the data provisioning component in addition in the
request of the switching component to the data provisioning component (pg. 18, line
22).

As per claim 29, Mostafa teaches if the result of the check by the data
provisioning component is negative, the information to the switching component
contains a pointer to a data provisioning component from which the switching
component can request a suitable useful data object in accordance with the profile of
the first telecommunications terminals (pg. 7, lines 26-27 and pg. 19, line 10).

As per claim 30, Mostafa teaches if the result of the check by the data
provisioning component is negative, the information to the switching component
contains a suitable useful data object (pg. 7 lines 26-27 and pg. 19, line 12).

As per claim 31, Mostafa teaches the first telecommunications terminal, in
response to the notification of the switching component concerning the provision of a
suitable useful data object, transmits a request for the suitable encrypted useful data

object to be sent to the switching component, and the switching component thereupon

sends the suitable encrypted useful data object to the first telecommunications terminal

(pg. 7, lines 6-7).

As per claim 32, Mostafa teaches transmitting data to and from at least one of

the first and second telecommunications terminals via an air interface (pg. 2, lines 12-

13).

As per claim 33, Mostafa teaches at least one of the first and second

telecommunications terminal comprises a radio module (pg. 2, lines 12-13).

As per claim 34, Mostafa teaches at least one of the first and second

telecommunications terminal is a mobile telephone, a cordless telephone, or a portable

computer. (pg. 2, lines 12-13).

As per claim 35, Mostafa teaches transmitting messages to and from at least one

of the first and second telecommunications terminal using WAP protocols or Hypertext

Transfer Protocol [URL] (pg. 20, line 11).

As per claim 36, Mostafa teaches the first telecommunications terminal is part of

a first telecommunications network (pg. 2, lines 12-13).

As per claim 37, Mostafa teaches the first telecommunications network is a

mobile radio network (pg. 2, lines 12-13).

As per claim 38, Mostafa teaches the first telecommunications network operates

in GSM or UMTS standard (pg. 2, line 17).

As per claim 39, Mostafa teaches the switching component forms a part of a second telecommunications network that is connected to the first telecommunications network (Fig. 2).

As per claim 40, Mostafa teaches the second telecommunications network is a telecommunications network based on Internet protocols (pg. 20, lines 10-13).

As per claim 41, Mostafa teaches the second telecommunications network is a telecommunications network based on Hypertext Transfer Protocol (pg. 20, lines 10-15).

As per claim 42, Mostafa teaches the first and second telecommunications networks are connected to one another by way of a WAP gateway (pg. 2, lines 25-29 and pg. 17, lines 21-26). It is inherent that the relays are performing the function of a gateway more particularly MMC uses WAP "push".

As per claim 43, Mostafa does not explicitly teach transmitting a rights object containing a key and usage rights for the assigned useful data object. Kobata teaches following receipt of the encrypted useful data object, transmitting a rights object containing a key and usage rights for the assigned useful data object (0108). Not only does Kobata teach encrypted data objects but also supplies a set of digital right governing the use of the encrypted data objects. The use of digital rights is well known in the art of security. Digital rights give the owner of such rights, control over how an end-user accesses the data objects. Mostafa teaches the use of subscription based control of data objects. This is one form of usage rights. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit a rights object to the recipient because it would allow the creator of the content some control

over how the content is used. Encryption is not enough to adequately protect content

from piracy.

As per claim 44, Mostafa teaches the data provisioning component is a server of

a content provider (pg. 1, lines 18- 22).

As per claim 45, Mostafa teaches the useful data object contains text information,

audio information, video information, an executable program, a software module, or a

combination thereof (pg. 1, lines 24-27).

As per claim 46, Mostafa teaches a switching component, a data provisioning

component, and at least one first telecommunications terminal (Fig. 2).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

USP 6,978,316 teaches a messaging system includes a message server for receiving

and sending messages, for converting a received message to a baseline

representation, and for converting a filtered baseline representation to a filtered

message that conforms to the formats and protocols employed by a message recipient's

mobile terminal; a message processor for assembling message routing information and

mobile terminal messaging capabilities, and for generally coordinating the operation of

the messaging system; a database for storing information concerning the messaging

capabilities of mobile terminals; and a transcoder for filtering the baseline representation

of a message according to the messaging capability of the message recipient's mobile

terminal, thereby to provide a filtered baseline representation.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is

(571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am

- 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2131

/Syed   Zia/

Primary Examiner, Art Unit 2131